

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KNOWLEDGE BROWN,
Petitioner,

v.

SUPERINTENDENT KEVIN
KAUFFMAN, et al.
Respondents.

: CIVIL ACTION

:

: NO. 17-cv-2236

:

O R D E R

FILED

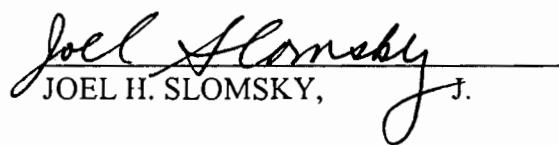
DEC - 4 2019

KATE BARKMAN, Clerk
By _____ Dep. Clerk

AND NOW, this 3d day of December, 2019, upon careful and independent consideration of the petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, and after review of the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for habeas corpus filed pursuant to 28 U.S.C. § 2254 is GRANTED as to the ineffective assistance of trial counsel claim for failing to object to the reasonable doubt jury instruction. The Commonwealth shall retry Petitioner or release him from all custody within one-hundred and eighty (180) days of the Order.
3. Claim Two is DEFERRED, as the writ is being granted on other grounds.

BY THE COURT:


JOEL H. SLOMSKY, J.